

February 10, 2004

Re: MDR #: M2-04-0629-01
IRO Certificate No.: 5055

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ___ for an independent review. ___ has performed an independent review of the medical records to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

I am the Secretary and General Counsel of ___ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this care for determination prior to referral to the Independent Review Organization.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Certified in Pain Management.

Clinical History:

The patient is a 43-year-old female first seen by the orthopedic surgeon on December 12, 2001 for a compensable injury to both shoulders resulting from a work-related accident on ____. She had previously been operated for rotator cuff disease on the right side. In March 2003, no improvement was noted since the prior visit in September 2002.

On 09/25/03, it was noted that the patient had positive impingement signs on the left subsequently confirmed on MRI. She was “stuck” at forward flexion to 90 degrees or slightly less. Internal and external rotation were both significantly restricted. The orthopedic surgeon stated that there was no way the patient could return to therapy and make much progress unless an MUA with arthroscopic lysis of adhesions was done first. On April 22, 2002, at the patient’s request, and apparently refractorily to conservative management, surgery was recommended in order to regain full range of motion.

Disputed Services:

Left shoulder arthroscopy.

Decision:

The reviewer disagrees with the determination of the insurance carrier and is of the opinion that the procedure in dispute is medically necessary in this case.

Rationale:

The indications for arthroscopic treatment of impingement syndrome include pain or weakness that interferes with work, sports, or activities of daily living, and that is unresponsive to appropriate nonoperative treatment.

The records provided for review clearly document this to be the case with this patient.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by ___ is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) days** after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5 (d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings
Texas Workers' Compensation Commission, MS-48
7551 Metro Center Dr., Ste. 100
Austin, TX 78744-1609

A copy of this decision should be attached to the request. The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on February 10, 2004.

Sincerely,